

REMARKS

Claims 1-11 were examined and remain in this application.

The claims have been amended. Claim 12 is new and is based on claim 5. No new matter is entered by way of these amendments. The addition of the reference numbers is only to aid in examination and is non-limiting.

Claims 1-3 and 5-7 were rejected as anticipated by Pradhan 2004/0235521.

Claim 4 was rejected as obvious in further view of Capitant 2003/0078891.

Claims 8-11 were also rejected as obvious over Pradhan in view of Capitant.

Reconsideration and allowance of all the claims are respectfully requested. The presently pending claims are both novel and non-obvious.

As to claim 1, Pradhan fairly discloses the transfer between users of access rights allowing access to certain types of media.

The Official Action references paragraphs 0028, 0034, 0036 and 0049 in relation to claim 1.

Paragraph 0028 discloses that the system transmits access rights to certain types of transferable media between system users so that media may be shared between users.

Paragraph 0034 discloses an embodiment in which a media card is purchased by a user and is then used to purchase access rights for different kinds of media as pseudo-licenses for the use of the media. The user can purchase digital tokens (in one example) which can be used to purchase access rights to media. The media card may store a unique digital certificate to this end.

Paragraph 0036 discloses the use of the media card to purchase access rights from a "hot spot" device. The "hot spot" device appears to have many of the attributes of a computer and includes a network interface and a media card reader. Media files from a network may be stored in the "hot spot" device memory.

Paragraph 0049 relates to a block diagram in which a media card is inserted in an MP3 player. The MP3 player then authenticates the media card and determines the access rights on the media card, subsequently allowing playing of stored media files for which the access rights are on the media card.

Clearly, Pradhan is directed towards allowing or denying a user access to the content of a media file by allowing the user to receive or use the access rights to one or more files whether or not the player is connected to a network. Once the user has the access rights the file or files can be accessed regardless of any other measures.

Further, the copying or transmitting of the files is not controlled, instead typically the files are encrypted and

access to the decryption key is controlled to create the access right. Pradhan does not attempt to broadcast the access right key from each file player as a limiting measure, rather Pradhan encourages file and key sharing (Paragraph 0052-0053).

The amended current claim 1 recites a user agent broadcasting into the network which recited user agent appears to have no equivalent in Pradhan.

The claim recites that some action is taken in dependence on whether packets with the license number are found on the network by the user agent. Pradhan does not rely on network connections except for file and rights transfer.

The present invention also differs from Pradhan in that it does not limit the use of a digital medium if there is no network connection, whereas Pradhan regulates access to a file regardless of the presence or otherwise of a network connection.

Thus, claim 1 is both novel and non-obvious.

As to claim 2, Pradhan paragraphs 0037 and 0039 are referred to by the Official Action.

Paragraph 0037 relates to the storage within a device memory of access rights, typically in the form of decryption keys.

Paragraph 0039 relates to a general statement of the structure of the Internet.

Neither of these paragraphs specifies or infers the onwards propagation of packets relating to digital media and associated with the user agent.

Thus, this claim is also believed to be patentable.

As to claim 3, Pradhan does not specifically relate to digital media which comprise programs. Rather, Pradhan relates to playable media files; however, it is not contended that Pradhan is limited to playable media files.

Thus, this claim is also believed to be patentable.

Regarding amended claim 4, Capitant paragraphs 0020 and 0022 are relied on by the Official Action.

Capitant relates to a digital rights management system having license compliant devices with a common access protocol and information. The system allows updating of the license where necessary but reacts to the validity of the license only internally.

Paragraph 0020 provides a program exception if the license does not authorize the required command in relation to the requisite content. Paragraph 0020 does not specify what action the exception causes, but revocation of the license and disabling of the device is elsewhere referred to.

Paragraph 0022 relates to the operation of two or more devices without mutual interference.

Amended claim 4 relates to shutting down a remote instance of a program on the detection of a local license

duplication. Capitant does not make disclosure of this recited feature. Capitant does not disclose any action upon the detection of an invalid or unauthorized license.

Thus, this claim is also believed to be patentable.

Regarding amended claim 5, Pradhan paragraph 0038 relates to the use of DES and RSA encryption systems. None of Pradhan paragraphs 0034, 0037-0038 specify any method of generating a license code, concatenating a verification code, and encrypting the result, rather this disclosure relates to the matter of encryption in a general manner.

Thus, this claim is also believed to be patentable.

Regarding claim 6, Pradhan paragraphs 0037 and 0041 do not disclose generating a user code from the encrypted code. The only user code apparent is the password or PIN of paragraph 0041 which appears unrelated to the encrypted code.

Thus, this claim is also believed to be patentable.

Regarding amended claim 8, Pradhan paragraphs 0012, 0049 and Capitant paragraphs 0014, 0015, 0016, 0060 are relied upon by the Official Action.

Pradhan paragraph 0012 relates to two transaction steps being required to access a user identifier and an access right. Neither of these is referred to in the present application, nor is any equivalent present. Paragraph 0049 is referred to above. The pending claims concern the simultaneous invocation of two

similarly licensed digital media within the same network. Pradhan does not disclose this subject matter, nor does Capitant.

Capitant paragraph 0014 specifies an initiator which initializes a device. Capitant does not clearly disclose what initialization is happening or what this initialization comprises, but the initialization appears to be the process of synchronizing licenses and data. Paragraph 0015 relates to one possible common access protocol, paragraph 0016 to the synchronization of the information on the device and paragraph 0060 to the indication that synchronization has been accomplished.

Applicants do not see that this disclosure is relevant to the recitations of claim 8 which has no specified user rights, no specified synchronization and which relates to establishing whether a duplicate license instance is present in an associated network.

Thus, these two references, even taken together, do not teach or suggest the features of claim 8. Thus, claim 8 is believed to be patentable.

Regarding amended claim 9, Capitant paragraphs 0020 and 0021 are relied upon as examples of allowing communication between devices without mutual interference.

In contrast, the claim relates to providing interference between devices by causing one of them to halt when both are using digital media with the same license code.

The relied-upon passages of Capitant are therefore not relevant to claim 9 by the Official Action.

Thus, this claim is also believed to be patentable.

Regarding claim 10, the Official Action again relies on Capitant paragraphs 0020 and 0021.

These paragraphs deal with synchronisation of data and license with a local exception (action unstated) thrown when a license does not authorize a command.

This disclosure is not the subject matter recited by claim 10, i.e., the transmission of a halt command to a remote user agent.

Thus, this claim is also believed to be patentable.

Regarding claim 11, the claim specifies the invocation of a user agent from a multimedia disc or file.

As discussed, the references do not teach or suggest this arrangement. Thus, this claim is also believed to be patentable.

In summary, the amended claims are both novel and non-obvious for at least the reasons discussed above. Further, the dependent claims are allowable at least for depending from an allowable claim. Thus, allowance of all the claims is solicited.

This response is believed to be fully responsive and to put the case in condition for allowance. Entry of the amendment, and an early and favorable action on the merits, are earnestly

requested. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Roland E. Long, Jr./  
Roland E. Long, Jr., Reg. No. 41,949  
209 Madison Street  
Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

REL/lrs